

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN W. DOERSCHLAG,

Plaintiff,

VS.

MATT PHILLIPS , et al.,

Defendant.

4:04cv590

# MEMORANDUM AND ORDER

In filing no. 49, I noted that the plaintiff, John W. Doerschlag, had not responded to the defendants' Motion for Sanctions. The plaintiff filed this case while he was a prisoner, but since his release from custody, he has failed to respond to the defendants' requests for discovery, and he has not informed the court or the defendants of his current address. I gave the plaintiff until December 8, 2006, to respond to the defendants' Motion, in the absence of which this action would be subject, without further notice, to dismissal, with prejudice, as abandoned and for lack of prosecution.<sup>1</sup> The plaintiff has not responded. Therefore, the plaintiff's complaint and this action are dismissed with prejudice. See Fed. R. Civ. P. 37(b)(2)(C) (sanctions include dismissal). Judgment will be entered accordingly.

SO ORDERED.

December 11, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge

<sup>1</sup>The court has previously notified the plaintiff of his obligation to keep the court advised of a current address where he can be reached at all times while this case is pending, and that failure to do so could result in dismissal of the case (filing nos. 6, 36, 47).